

REMARKS

The above-identified patent application has been reviewed in light of the Office Action dated January 12, 2004 (“First Office Action”). Prior to this Reply, Claims 1-41 were pending. Through this Reply, Claims 9, 13, 29, 30, and 34 have been amended without intending to abandon or dedicate to the public any patentable subject matter. No claims have been added or cancelled. Accordingly, Claims 1-41 are still at issue in the present case. In the First Office Action, the Examiner rejected Claims 1-41. As set out more fully below, Applicant traverses of all these rejections, and respectfully requests reconsideration and withdrawal of the rejection of such claims. Applicant wishes to thank the Examiner for the courtesies extended during the telephonic interview conducted on March 23, 2004 during which the foregoing amendments and following arguments were discussed.

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a) and identified that the “seal member” limitation in Claim 3 must be shown. Applicant presumes that Examiner was referring to Claim 6 as there is no such limitation in Claim 3. Regardless, Fig. 1 has been amended to depict the seal member 31 described in the Specification and Claim 3. Applicant has taken care to ensure that no new matter has been added. A replacement Fig. 1 has been submitted herewith.

I. 35 U.S.C. § 102 Rejections

A. Claim 30

Claim 30 was rejected under 35 U.S.C. § 102(a) as being anticipated by Paradigm Industries, Inc.’s Photographs of a stand first offered for sale approximately September 2001 (“Paradigm Stand”). Applicant respectfully traverses this rejection and states that a rejection under 35 U.S.C.

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§ 102(a) is in appropriate in this context. The inventor, Ronald E. Decker, of the above-referenced application is the President of Paradigm Industries, Inc. (see Power of Attorney dated 12/31/01) and thus, the cited reference was not known or used by “others,” as required by § 102(a). MPEP § 2132. Nonetheless, in order for a rejection under 35 U.S.C. § 102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference. MPEP § 2131. Claim 30 has been amended to more particularly describe the claimed invention. No new matter has been added. As such, each and every element of Amended Claim 30 is not found in the cited Paradigm Stand. In particular, the Paradigm Stand does not contain a “coupling mechanism” that can be selectively interconnected by an operator at various different points along the support sleeve in order to adjust the elevation heights of the lift platform. See App., p. 12, l. 21 - p. 13, l. 4 for further discussion. Accordingly, Amended Claim 30 cannot be anticipated by the Paradigm Stand under § 102(a). Reconsideration and withdrawal of the rejection of Amended Claim 30 is respectfully requested.

II. 35 U.S.C. § 103(a) Rejections

Claims 1-7, 9-12, 19-23, 25-28, 31-35, 37-38, and 40-41 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Paradigm Stand in view of U.S. Patent No. 6,089,585 to Theobald (“Theobald”). Claims 8, 13-18, 24, 29, 36, and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Paradigm Stand in view of U.S. Patent No. 5,769,396 to Tischendorf (“Tischendorf”). Applicant respectfully traverses each of these rejections.

In order to establish a *prima facie* case of obviousness under §103, the combined references must teach or suggest all of the claim limitations. MPEP §2143. However, the cited references (*i.e.*,

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the Paradigm Stand, Theobald, and Tischendorf), alone or in combination, simply do not teach, suggest or disclose each and every element of the rejected claims.

A. Claims 1-8

As the Examiner acknowledges, the Paradigm Stand does not disclose a self-lubricating member, as is presented in Claims 1-7. Applicant respectfully disagrees with Examiner's statement that the Paradigm Stand discloses all of the limitations of Claim 8, as this claim indirectly depends from Claim 1 and thus, contains the same self-lubricating member limitation of Claim 1.

Regardless, contrary to the Examiner's assertions, Theobald does not disclose or teach a "self-lubricating member," especially a "self-lubricating member which can be either a sleeve or a strip in order to facilitate relative adjustment of the telescoping members." In fact, none of the references cited by the Examiner in the First Office Action disclose or teach a member that is made out of a self-lubricating material (*i.e.*, a self-lubricating member). Rather, Theobald and the Paradigm Stand disclose and teach the more commonly known and impractical use of oil as a lubricant, an approach that the current invention teaches away from in the Specification. See App., p. 1, l. 17- p. 2, l. 5. Since none of the references suggest or teach each and every limitation of Claims 1-8, the Examiner has failed to establish a *prima facie* case of obviousness for the claimed invention. Accordingly, Claims 1-8 should be reconsidered and the Examiner's obviousness rejections withdrawn.

B. Claims 9-12

Independent Claim 9 has been amended and no new matter has been added. Claims 10-12 depend from Claim 9 and thus, each contains all the limitations of Claim 9. None of the references

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cited by the Examiner, alone or in combination, teach a self-lubricating non-oil member. As such, the Examiner has also not established a *prima facie* case of obviousness with regard to these claims. Thus, the Examiner's rejections for Claims 9-12 should be withdrawn.

C. Claims 13-18

Independent Claim 13 has been amended and no new matter has been added. Claims 14-18 depend from Amended Claim 13. None of the cited references by the Examiner disclose or teach "an actuating lever operably communicating with the support sleeve to allow the lift platform to be adjusted to a plurality of heights." . See App., p. 12, l. 21 - p. 13, l. 4. The actuating lever in Tischendorf cannot be adjusted to vary the height of the lift. Hence, a § 103 case of obviousness has not been established for Claims 13-18 and their rejections should be reconsidered and withdrawn.

D. Claims 19-28

Claim 19 is an independent claim and Claims 20-28 depend directly or indirectly therefrom. None of the cited references by the Examiner disclose or teach a "self-lubricating sleeve having an axially-positioned aperture, which engages the support member." Consequently, a *prima facie* case of obviousness has not been established with regard to these claims and their rejections should be reconsidered and withdrawn.

D. Claims 31-37

Claims 31-33 depend from Amended Claim 30. As such, since Amended Claim 30 is believed to be allowable, the rejection of Claims 31-33 should also be withdrawn.

Independent Claim 34 has also been amended and no new matter has been added. Claims 35- 37 depend from Amended Claim 34. None of the references cited by the Examiner disclose or

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teach a “self-lubricating, non-oil support sleeve,” as required by Amended Claim 34. As a result, a § 103(a) *prima facie* case of obviousness has not been established and the rejections of Claims 34-37 should be reconsidered and withdrawn.

E. Claims 38-41

Claims 39-41 depend from Independent Claim 38. None of the references cited by the Examiner (the Paradigm Stand, Tischendorf, and/or Theobald) disclose a “self-lubricating member which engages the support member and the support sleeve.” Hence, a *prima facie* case of obviousness has not been established with regard to these claims and the rejections thereof should be withdrawn.

Based upon the foregoing, Applicant believes that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: 4/12/04